

**FILED**

**APR 12 2013**

CLIFFORD J. PROUD  
U.S. MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF ILLINOIS  
EAST ST. LOUIS OFFICE

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

IN THE MATTER OF THE SEARCH OF:

A Facebook Account, further described as:

Facebook Account #23276504361130, and/or

www.facebook.com//matthew.l.staszak;

)

) Case No. 13-M-6007-CJP

)

) **FILED UNDER SEAL**

**APPLICATION AND AFFIDAVIT  
FOR SEARCH WARRANT**

I, Chris Boyce, being first duly sworn, hereby depose and state as follows:

I am a Deputy United States Marshal ("DUSM") with the United States Marshal's Service ("USMS"), and have reason to believe that on the premises known as:

Facebook Inc., 1601 S. California Avenue, Palo Alto, CA. 94304, there is now concealed certain property, including:

**Information associated with a Facebook Account, further described as:**

**Facebook Account #423276504361130, and/or www.facebook.com//matthew.l.staszak;**

which constitutes evidence of the commission of a criminal offense or which is designed or intended for use or which is or has been used as the means of committing an offense; all in violation of Title 18, United States Code, Section 3146.

**AFFIDAVIT**

The facts to support the issuance of this Search Warrant are as follows:

**Introduction**

1. I am a Deputy United States Marshal ("DUSM") currently assigned to the Southern District of Illinois, Benton Division. I have been a DUSM for nine (9) years. One of my primary duties is to locate fugitives. During that time, I have been involved in 100s of investigations which

have involved locating and/or capturing fugitives. I have attended several Fugitive Apprehension classes, as well as the basic training required of all DUSMs.

2. I make this affidavit in support of an application for a search warrant for information associated with a certain Facebook account that is stored at premises owned, maintained, controlled, or operated by Facebook Inc., a social networking company, whose custodian of records is located at 1601 S. California Avenue, Palo Alto, California, 94304. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A) to require Facebook to disclose to the Government records and other information in its possession, pertaining to the subscriber named herein.

3. This affidavit seeks to search for and to seize contraband, evidence or instrumentalities of violations of Title 18, United States Code, Section 3146, specifically evidence related to Failure to Appear.

4. The statements contained in this affidavit are based upon my training and experience as a DUSM, and information provided to me by other law enforcement officers and investigators. Because this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that evidence of a violation of Title 18, United States Code, Section 3146, is located in the Facebook account described in the Style of this Application and Affidavit for Search Warrant (the Facebook account).

#### **About Facebook**

5. Facebook Inc. (Facebook) owns and operates a free-access social networking website

of the same name that can be accessed at <http://www.facebook.com>. Facebook allows its users to create their own profile pages, which can include lists of their personal interests, photos of themselves and friends, and links to pages within and outside the Facebook environment. Facebook also permits users to send and receive private messages (the functional equivalent of e-mails) with other Facebook users, and to restrict the disclosure of certain information (blogs, profile information) exclusively to the Facebook “friends” of their choosing.

6. Facebook asks users to provide basic identity and contact information to Facebook, either during the registration process or thereafter. This information includes, but is not limited to, the user’s full name, user ID, e-mail addresses, physical address (including city, state, and zip code), date of birth, gender, hometown, and occupation. Facebook retains information about the date and time a user’s profile was created, the date and time the account was created, and the Internet Protocol (“IP”) address at the time of registration. Because every device that connects to the Internet must use an IP address, IP address information can help identify which computers or other devices were used to access a given Facebook account.

7. Facebook maintains IP logs for each user. These logs contain information about the user’s log-ins to Facebook, including, for each access, the IP address assigned to the user, and the date stamp at the time the user accessed his or her profile. Facebook retains IP log information about each account access for at least one year.

8. Facebook users can exchange private mail messages with other users via Facebook. A private message typically includes the Facebook FriendIDs of the sender and the recipient of the message, a subject line, the actual content of the message, and a date stamp reflecting when the message was sent. Private messages are sent to the recipient’s Facebook inbox and remain available

there until the recipient removes them. Private messages are also available from a “sent box” for the Facebook user who sent the message. Facebook retains sent messages for at least 14 days, unless the sender manually deletes them from the sent box.

9. Facebook users can add a variety of information to their profiles, including photographs, videos, music and other audio files, lists of personal interests and preferences, journals or web logs (“blogs”), bulletins, news feeds, links to other locations on the Internet, and “About Me” entries, which typically contain personal information about the user. Facebook users can also post comments on the Facebook profiles of other users or on their own profiles. Facebook allows users to edit or delete comments on their own profile pages, and users can also adjust their profile settings to allow them to pre-approve comments on their own profile pages.

10. A Facebook user can link his profile page to the profile of another Facebook user by becoming “friends” with that user on Facebook. Each user profile page includes a list of that user’s “friends,” along with links to the friends’ profiles pages. Facebook users can adjust the privacy settings for their profile so that their profile information is visible only to their Facebook “friends,” rather than to the public (which is the default setting).

11. Facebook retains the basic identity information entered by the user, all data displayed on the user’s profile, and all stored files (such as images and videos) contained in the user’s account as long as the user has not edited the data or removed the files from the profile. When a given Facebook account is deleted, Facebook retains certain information relating to that account for at least one year, including user identity information and IP logs.

12. Therefore, the computers of Facebook are likely to contain all the material just described, including stored electronic communications and information concerning subscribers and

their use of Facebook, such as account access information, transaction information, and account application.

### **Case Investigation**

13. Matthew Staszak is currently under indictment in the Southern District of Illinois for offenses relating to sexual conduct with a minor. He was released on bond to the residence of his father, Daniel Staszak, located at 1505 Benton Avenue, Johnston City, Illinois. Staszak was due in court on October 4, 2012, at 11:30 a.m., for an arraignment on a Superseding Indictment. He failed to appear and remains a fugitive.

14. On October 4, 2012, the USMS began an investigation in an attempt to locate Staszak. During this investigation, two sources have informed the USMS that Staszak has been using **Facebook Account #423276504361130, and/or [www.facebook.com//matthew.l.staszak](http://www.facebook.com//matthew.l.staszak)** to communicate privately with other individuals. A previous request for search warrant of Staszak's Facebook Account was limited to the time period of October 3, 2012, through approximately October 16, 2012. This requests the Facebook Account information from October 17, 2012, through the present.

15. The Federal Bureau of Investigation previously submitted a preservation request for the Facebook account of Staszak, pursuant to Title 18, United States Code, Section 2703, requesting Facebook to preserve the contents of the account to prevent the destruction or alteration of evidence sought to be obtained from the accounts.

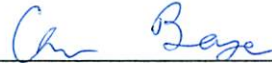
16. In summary, it is believed that the Facebook account of Staszak is being used to maintain private communications between Staszak, who is currently a fugitive, and other individuals, and these communications are sought as evidence in this investigation.

**ATTACHMENT A**

- I. Information to be disclosed by Facebook;
  - A. Information associated with a Facebook Account, further described as: Facebook Account #423276504361130, and/or [www.facebook.com/matthew.lstaszak](http://www.facebook.com/matthew.lstaszak);
  - B. Any and all profile information;
  - C. Status updates and Notes;
  - D. Mini-feeds;
  - E. Any and all Shares and Wallposts to include deleted Wallposts (over 180 days) ;
  - F. Friends list to include a deleted friends list;
  - G. Any and all groups associated with the Facebook Accounts and future or past events;
  - H. Any and all video listings, videos, photos, images (said images to be provided in their native format (e.g. .jpg, .gif, .bmp)) along with the original EXIF header information;
  - I. any and all emails, to include texts and/or instant messages, including, but not limited, to their inbox, outbox, drafts, deleted items, sent items and saved items;
  - J. Any and all IP logs associated with the account logins;
  - K. Any and all messages within said user ID's Message inbox to include any private messages;
  - L. It is further requested that the content, images, pictures, text or information which have been used in the commission of or which may constitute evidence of the offense in connection with which this search warrant is issued, being in violation of Title 18, United States Code, Section 3146, be provided to the requesting agency in digital format;
- M. It is also requested that Facebook comply with preserving the above information, not lock the account until further notice, and not notify the subscriber.

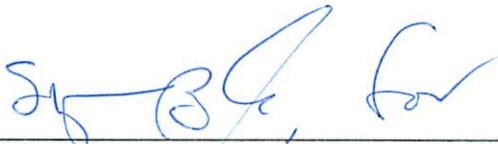
17. Based on all of the above, your affiant submits there is probable cause to believe the Facebook account described in the Style of this Application and Affidavit for Search Warrant contain evidence of Failure to Appear, in violation of Title 18, United States Code, Section 3146.

FURTHER AFFIANT SAYETH NAUGHT.



CHRIS BOYCE  
Deputy United States Marshal  
United States Marshal's Service

STEPHEN R. WIGGINGTON  
United States Attorney



KIT R. MORRISSEY or ANGELA SCOTT  
Assistant United States Attorneys

State of Illinois                    )  
  ) SS.  
County of St. Clair            )

Sworn to before me, and subscribed in my presence on the 12<sup>TH</sup> day of April, 2013,  
at East St. Louis, Illinois.



CLIFFORD J. PROUD  
United States Magistrate Judge